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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEVE FERRARI, et al.,

Plaintiffs,

v.

Autobahn, Inc. dba Autobahn Motors;
Mercedes-Benz USA, LLC; and SONIC
AUTOMOTIVE, INC.,

Defendants

Case No. 17-CV-00018-YGR

~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' MOTION FOR
APPROVAL OF *CY PRES* RECIPIENT

The Honorable Yvonne Gonzalez Rogers
Date: October 22, 2019
Time: 2 P.M.
Courtroom: 1

This matter came before the Court on Plaintiffs' Motion for Approval of *Cy Pres* Recipient, which sought the Court's approval of the distribution of \$1,622.88 in funds associated with uncashed checks be distributed to Bay Area Legal Aid pursuant to Paragraph 28 of the Settlement Agreement. The Court finds that Bay Area Legal Aid is an appropriate charity to receive the *cy pres* funds because its mission matches the "purposes of the underlying lawsuit and the class of plaintiffs involved," taking into consideration the "geographic distribution of the class." *See Nachshin v. AOL, LLC*, 663 F.3d 1034, 1039–1040 (9th Cir. 2011) (citing *Six Mexican Workers v. Arizona Citrus Growers*, 904 F.2d 1301 (9th Cir. 1990)). This lawsuit pursued consumer protection claims on behalf of customers of a Belmont, California car


1 dealership, a class overwhelmingly located in the Bay Area, while Bay Area Legal Aid serves
2 clients in consumer protection cases in seven Bay Area counties. Additionally, Class Counsel
3 has assured the Court that neither Class Counsel nor the Autobahn Defendants' counsel has any
4 connection to Bay Area Legal Aid.

5 Consistent with Paragraph 28 of the Settlement Agreement, it is hereby ORDERED that:

- 6 (1) Bay Area Legal Aid is approved as the recipient of the *cy pres* funds;
7 (2) The Settlement Administrator shall pay the funds associated with all non-
8 negotiated checks to Bay Area Legal Aid; and
9 (3) The Settlement Class members have waived and abandoned any ownership
10 interest in the uncashed checks and any and all associated funds.

11 **IT IS SO ORDERED.**

12 Dated October 15, 2019

13 
14 YVONNE GONZALEZ ROGERS
United States District Judge